



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

APRIL 26, 2005

PRESENT: Acevedo, Benich, Escobar, Koepp-Baker, Lyle, Mueller, Weston

ABSENT: None

LATE: None

STAFF: Planning Manager (PM) Rowe, Senior Planner (SP) Linder, Senior Engineer (SE) Creer, Deputy Director of Public Works (DDPW) Bjarke, Senior Civil Engineer (SCE) Behzad, and Minutes Clerk Johnson

Chair Weston called the meeting to order at 7:00 p.m., and asked Live Oak High School student, Bennie Scorsor, to lead the flag salute.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Weston opened the opportunity for public comment.

Having ascertained that no persons were present to address matters not appearing on the agenda for the evening, Chair Weston closed the time for public comment.

MINUTES

APRIL 12, 2005

COMMISSIONERS MUELLER/ACEVEDO MOTIONED TO APPROVE THE APRIL 12, 2005 MINUTES, WITH THE FOLLOWING MODIFICATIONS:

Page 5, (motion) include ... RESIDENCE AND THE WATER TOWER

Page 6, paragraph 1: ...property 'yesterday about 6:00 p.m. and was not impressed'. "It doesn't look like a blend in the area. There is plenty of this type of architecture in the area and there is not redemptive value in this house," ~~"It doesn't look like a blend in the area. There is plenty of this type of architecture in the area and there is not redemptive value in this house,"~~ "The house does not look like it blends in with the area or fits with the overall feel of the new housing of the area." Commissioner Acevedo said. He referred to the criteria, noting that one of the criterions is: "must possess significant character". Commissioner Acevedo declared he did not think this ever did ~~dwelling possessed 'significant character' to meet the requirement; and therefore he would vote 'no' on awarding cultural value.~~ Commissioner Acevedo expressed strong doubt that this project

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'meets the criteria'. Commissioner Acevedo ~~said this does represent a locally built unit, then stated he would vote 'no' as he had concerns as to the value of the project in adding 'cultural history significance' for the City.~~

~~Page 7, paragraph 7: Commissioner Acevedo asked about having a gym, and following discussion, he said, "If there are not problems with a business, maybe we should not consider problems."~~ Commissioner Acevedo spoke on the location Mavericks, an existing gym (formerly Gold's), in an industrial setting. He then suggested, "If we have no problems with known gyms, why would we expect problems with new ones? For that reason, we should not worry about it."

Page 10. (add to first bulleted list)

- *need to increase the overall downtown density*

(and add new paragraph): *The Planning Commissioners strongly stressed the need to get the parking study Sunsweet site completed as there would be the PUD zoning completed soon.*

Page 10 (2nd bulleted list)

regarding:

- the Housing Element (supposed to be done before the beginning of the fiscal year)
- *lack of success of having parking at during the recent bike rally (described as a 'nice central location')*
- (add) *need to monitor/participate in ABAG's development of its next set of housing quotas*

THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: BENICH, KOEPP-BAKER; ABSENT: NONE.

OLD BUSINESS:

1) REVIEW OF PLANNING COMMISSION'S WORKPLAN FOR FY 2005-06

The City Council has requested each Commission to prepare a work program for FY 2005-06. The Planning Division will also have to prepare a work program. The key elements of that work program, which will be reported periodically to the Council members, is to be known as the Workplan.

PM Rowe gave the staff report and reviewed the request. He indicated that CDD Previsich presented the item at the last meeting and had intended being present at this meeting, but had been called away for another meeting. PM Rowe called attention that there were not as many items on the current list as that was presented on April 12. The items not needed for reporting to the City Council had been scaled back, and those were now bulleted on the memo provided for discussion. PM Rowe pointed out the attachments and revisions of the report, which were dependent on information received from the City Manager's Office that the Manager and City Council Members wanted to receive work plans which are different from THE Division's overall work program. Subsequently, two documents have been distributed to the Commissioners. One (the workplan) being the quarterly report to the Council and the other more in-depth (proposed work program) containing such items as the Downtown Implementation Program. PM Rowe went on to describe the work program as an 'overall picture of everything' that the Planning Commission would be involved with during the coming year, and that some of the items may be working plans for the staff (and therefore information available to all interested parties), and not limited to action matters before the

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Planning Commission.

PM Rowe concluded the report by advising the Commissioners that the request was to review and comment on the workplan as presented, and on approval, have it submitted to the City Manager and the City Council.

Street standards, which elicit a frequent request for review by Commissioner Mueller, were pointed out in the workplan.

Chair Weston opened the public hearing.

With no one in the audience indicating a wish to speak to the matter, the public hearing was closed.

Commissioner Lyle commented that he had identified items which needed discussion: Staff went back, based on what was said at the last meeting regarding (Complete Downtown Plan Implementation Activities: Sunsweet PUD Project) inclusion of this item into the 'Project' column. Commissioner Lyle said that now the schedule was improved by reducing the City Council's time with this item, but if they run into a problem and have to continue the matter, the downtown projects could lose a year. Commissioner Lyle asked if the parking and/or the PUD could be moved (calendar-wise) to have discussion completed for the July 12, 2005 Planning Commission meeting and therefore move all the dates up a bit? Commissioner Lyle noted that the Sunsweet hearing date for the City Council had been changed to accommodate a hearing on August 10, 2005, stating he feels this is still too tight a time, and wondered if this could 'be kicked to September', but worrying that too might be too tight. "Could this matter be to the Planning Commission at the July 12 meeting instead of July 26?" Commissioner Lyle asked.

PM Rowe speculated it would be possible, as the City Council has scheduled a special meeting on August 10.

Commissioner Lyle then called attention to page 2 of the staff report: "Measure C" RDCS Activities: Downtown, Vertical-Mixed Use and Affordable Competition; Presentation System; asking if it would be possible to accelerate the dates for this process. PM Rowe, responding to a question, said the staff anticipates a maximum of eight applications in this category. Commissioner Lyle reminded that in view of the limited number of applications, there was a desire to have allocations done by January instead of February, 2006.

Commissioner Acevedo indicated that this is a proposed list/workplan and the Commissioners can keep an eye on the progress of the program under discussion. "We can move the dates up as time goes on," Commissioner Acevedo said.

Commissioner Lyle responded that his experience has been that dates generally are moved back rather than up.

Chair Weston commented, "I think it is more difficult to change dates as we go along."

Commissioner Mueller said, "We need to be more concerned about the criteria and

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getting it right.”

Chair Weston disagreed, saying, “It is more important to get it done than just right.”

Commissioner Lyle informed he was not arguing with the October 1, 2005 start date, but stated firmly, “We need more cushion before so that staff can get the work done to meet the schedule,” Commissioner Lyle said. “If there are eight projects, with some having been previously seen, we’re talking about the time between October 1, 2005 and February 28, 2006, and I think we really want a faster schedule.”

Chair Weston brought up an issue Commissioner Mueller had discussed some time ago regarding sidewalks in the Downtown area, saying it is important and needs to be addressed. “We should not delay; that should be corrected immediately. The City is not giving this issue enough importance,” Chair Weston insisted, as he added, “I would like to see street standards pushed up also.”

PM Rowe advised that staffing is an issue with moving items forward on the work program. He further advised that the Department will be recruiting for the open staff vacancies, but it is problematic now in getting the basic work completed.

Commissioner Escobar asked if the proposed schedule is taking into consideration of having the vacancies being filled?

PM Rowe agreed, saying the program of work is based on the positions being filled.

Chair Weston requested that PM Rowe review how the Commissioners could proceed with moving the Measure C competition date.

PM Rowe explained that every year staff comes to the Planning Commission after the Measure C applications are received, then the schedule is set. PM Rowe commented it may be possible to have the dates come up earlier than listed in the work program.

Chair Weston, calling attention to the program of work, asked if the workplan is for review only? The request as stated is for the Commissioners to prepare a workplan, in coordination with the Planning Department, which is to be submitted to the City Manager’s Office, then reviewed by the Council Members, and indicated in each of the budgets at adoption.

Commissioner Lyle said that he thought *downtown densities* would be an appropriate topic for a joint City Council/Planning Commission meeting, and suggested that such a meeting might be added to the workplan if such a discussion is resultant. Commissioner Lyle commented that he thought the City Council might be receptive to the joint meeting.

Commissioner Acevedo agreed, saying an item for the schedule should be for a joint meeting.

PM Rowe indicated the joint meeting might be favorable, and would add it to the work plan.

COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO DIRECT STAFF TO FINALIZE THE WORKPLAN AS OUTLINED IN DISCUSSION AND THEN FORWARD THE COMPLETED WORKPLAN TO THE CITY MANAGER'S OFFICE, AND ULTIMATELY TO THE CITY COUNCIL. THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: BENICH, ESCOBAR, KOEPP-BAKER, MUELLER, WESTON; NOES: ACEVEDO, LYLE (both of whom expressed concern that some of the items represented unrealistic exposure and needed further clarification); ABSTAIN: NONE; ABSENT: NONE.

Commissioner Lyle was excused at 7:19 p.m. for the next agenda, due to the potential for conflict of interest, as he lives nearby the subject property.

**2) ZAA-04-01/
SD-04-16/
DA-04-08:
TILTON-
GLENROCK**

A request for approval of a precise development plan for the remaining 18 acre area within the Capriano subdivision located on the south side of Tilton Ave., east of Hale Ave. Also requested is the approval of an 82-lot subdivision and development agreement.

SP Linder presented the staff report, saying, "We're almost there. We're getting real close. We have had a look at the precise development plan in several meetings and reaching agreement on the issues listed on page 2 of the staff report, with having completed just about all those items." To address the few remaining items, SP Linder announced staffs recommendations:

- Revising the phasing plan to have the number of allocations and numbers of lots match.
- Each phase needs to include it proportional share of single story, BMRs, moderates and granny units
- Each phase should represent a consolidated area rather than a scattered lot pattern.
- Phasing plan should clearly indicated when project improvement will be installed

SP Linder called attention to revisions in the proposed resolutions, wherein agreement has been reached as indicated by deletions/strike outs and add-ins bolded in the text. The changes occur in (proposed) Resolution No. 05-04, the development agreement, SP Linder informed, and are emphasized as follows:

- All street improvements in R-2 zoning will be completed in phase 8
- The right of way along Tilton Ave. will be reduced only by 6 ft.
- The size of the R-1 lots on Tilton Ave. will be reduced.
- An agreed-upon phasing plan must be submitted and approved by Staff.

(proposed) Resolution No. 05-05

- strike item 10

(proposed) Resolution No. 05-06

- changes to computations for the BMRs
- date changes for Exhibit "B"

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SP Linder pointed out that the applicant says he wants to work in an orderly fashion (item 8, page 2, staff report) and that the applicant will work from a south to north direction for phases 9 and 10. This is consistent with staff's objective and an appropriate phasing plan can be worked out between staff and the applicant.

Commissioners and staff discussed:

- Phasing
- Street improvements, including off-sites (staff to meet with applicant for resolution of this issue)
- Tilton Ave. as a collector street
- Right-of-way on Tilton Ave.
- Variation for lot size on Tilton Avenue; City to abandon 6-feet of right-of-way; therefore lot size would drop to just slightly below the minimum requirement of 12,000 square feet (to 11, 999 square feet)
- Required size of streets 70 feet (curb to curb)
- If City vacates 6-feet of right of way, will be preserving 4 feet
- 11, 999 square feet lots would apply only to R-1 zoning
- 11,999 square foot average over how many lots potential 212 units only applies to R-1
- Clarification of item 5 in Resolution No. 05-04, relating to the numbers of BMRs required and the computations thereof

Discussion ensued regarding the right of way issue, with SP Linder explaining the matter was not raised until the latter stages of the negotiation process.

PM Rowe advised this is not a typical right of way in the County and it was unexpected to find it is 70 feet wide; consequently, the recommendation is to consider retention of the 6-feet on the south side of the street.

SE Creer spoke to the Commissioners indicating differences between major or minor sidewalks at the site with the change in right of way. 'We can move it in but still have a 52-foot width for the roadway,' he explained.

PM Rowe clarified that there was neither a plan nor desire to design the road at this time but to retain the right of way easement.

Chair Weston asked if it would be possible to reduce the right of way size and still get a detached sidewalk? SP Linder responded, "Yes," and went on to explain the proposed lots are deep enough to move the houses back to meet the setback requirements and accommodate the detached sidewalk.

SP Linder then addressed the project development agreement with the revised exhibit "B" which incorporated the correct years for each of the performance milestones.

SP Linder clarified the request of the applicant dealing with the percentage requirements of the BMRs and TDCs within the development agreement. She told the Commissioners that the applicant had requested that language be added to the agreement to address the adjustment and payment of the BMR and TDC faction dependant upon the resultant number of units actually built 210 vs. 212.

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Discussion ensued regarding the requirements of Ordinance 1649 (attached/detached units). Also convey by staff and the Commissioners, was an affirmation of the requirement of the nursery school which in the RPD was shown as two lots, but is to remain as one lot within the proposed subdivision. SP Linder said, "For the RPD the two lots in this subdivision were created only as one lot for the express purpose of placement of a daycare/nursery school."

Chair Weston asked, in matching the fiscal year (Exhibit "B"), why it is important and if it is difficult to administer. SP Linder explained the issue is with BMRs: if they are split, it is difficult to administer the issuance of the permits and monitor the completion of the BMRs; therefore, staff wants to match allocations and lot numbers, the request to which the applicant has indicated 'no problem'.

Chair Weston reiterates agreements made between staff and the applicant, asking, "What items are left?" SP Linder advised, "None are left unresolved, unless the applicant decides to disagree with staff recommendations."

Chair Weston opened the public hearing.

Rocke Garcia, 1000 Old Quarry Road, San Jose, (the applicant) commented this has been a 'very trying process', then thanked staff for 'being diligent'. Mr. Garcia referenced the right of way item which had come up last Friday, and no one knew – the Planning Department Staff worked hard for resolution.

Mr. Garcia indicated that Bill McClintock, project engineer, had studied the General Plan and expressed belief that Tilton Ave. was not collector road, but a standard residential street and would speak further to the matter.

Mr. Garcia said he had one additional request which had been identified: in Resolution No. 05-05, #9 (Other Conditions) the size of the new plan 4 has a variation for a 3-and-4 car garage, dependent on the size of the game room; the ideal would be able to have a square footage range of 4050 to ~~5050~~ 4550. Mr. Garcia asked to be granted the ability to have a 'flex plan' for the square footage for those units. Commissioner Mueller noted that the reference to those units actually shows up couple of places on different resolutions.

Responding to questions from the Commissioners, Mr. Garcia indicated he is 'ok' with most of the changes recommended by Planning Staff. He did, however, say there was 'only other thing': The objective of having the first phase offsite improvements for the Capriano project completed after phase 7 and also to complete the improvements for school at same time.

Commissioner Benich asked for further clarification about the request by Staff to abandon the right of way.

Bill McClintock spoke as a representative of the project, referencing the statutes involved and informing this same request for right of way variance has happened several times with the ranch property along Church Street toward Tilton. Mr. McClintock explained what happened to determine 'how to get what part of the land if a road was not used'. "It goes to the center line," Mr. McClintock clarified. "When the City says they are going to do a street 52-feet wide, they frequently 'give away' what is outside that 52-foot area."

The City simply plans not to use the right of way.” Mr. McClintock told the Commissioners what the map would show according to the plan for partial right of way vacation. “So this is just going to where the City’s General Plan said it would be.

Our plan when the tentative map is filed is to have the right of way vacated.” Mr. McClintock continued by saying that Tilton is a residential street according to the General Plan and that street standards, with upcoming issues, may change Tilton to a collector but the street and traffic circulation pattern suggests this to be a cul de sac as Mr. Garcia wants. “He’s here to say by agreement he is willing to work with the staff and the Commissioners, but this plan will bring down the lot size to slightly less than 12,000 square feet,” Mr. McClintock notified.

Discussion ensued regarding the following:

- move the houses back 5-feet on Tilton so the sidewalk would be detached
- other off-sites to be done (R-2 streets)
- phasing of off-sites to be done all at once
- buildings will be phased

Commissioner Mueller asked DDPW Bjarke to comment on whether the City would be in violation of State Statues if the portion of right-of-way were to be vacated? DDPW Bjarke responded that did not appear to be the case. “Then the street stays a cul-de-sac,” Commissioner Mueller noted. PM Rowe interjected there would be the necessity of a ‘landowner agreement’. DDPW Bjarke reiterated it appears not to be problem.

With no others present indicating a wish to speak to the matter, the public hearing was closed.

COMMISSIONER MUELLER OFFERED (REVISED) RESOLUTION NO. 05-04, RECOMMENDING APPROVAL OF AN AMENDMENT TO A RESIDENTIAL PLANNED DEVELOPMENT ON A 67-ACRE SITE LOCATED ON THE EAST SIDE OF HALE AVE., SOUTH OF TILTON AVE. ADJACENT TO THE WEST OF THE RAILROAD TRACKS, TOGETHER WITH THE CHANGES WITHIN SECTION 5 (1) OF THE RESOLUTION RELATING TO THE SQUARE FOOTAGE OF THE “PLAN 4” 4300—4528 4050 TO 5050 4550. NOTING THE INCLUSION OF THE FINDINGS AND CONDITIONS CONTAINED WITHIN THE RESOLUTION, COMMISSIONER ESCOBAR SECOND THE MOTION. THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ESCOBAR, KOEPP-BAKER, MUELLER, WESTON; NOES: NONE; ABSTAIN: ~~BENICH, KOEPP-BAKER~~ NONE; ABSENT: LYLE.

COMMISSIONER MUELLER OFFERED RESOLUTION NO. 05-05, APPROVING A REQUEST FOR AN 82-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION ON A 67-ACRE PORTION OF LAND LOCATED ON THE EAST SIDE OF HALE AVE., SOUTH OF TILTON AVE. ADJACENT TO THE WEST OF THE RAIL ROAD TRACKS, TOGETHER WITH THE FINDINGS AND CONDITIONS CONTAINED THEREIN, AND WITH OTHER CONDITIONS, ITEM 9, PAGE 3, CHANGED TO READ: SQUARE FOOTAGE OF THE “PLAN 4” 4300—4528 4050 TO 5050 4550. COMMISSIONER ESCOBAR SECONDED THE MOTION WHICH PASSED BY THE FOLLOWING VOTE. AYES: ACEVEDO, BENICH, ESCOBAR, KOEPP-BAKER, MUELLER, WESTON;

NOES: NONE; ABSTAIN: NONE; ABSENT: LYLE.

COMMISSIONER MUELLER OFFERED (REVISED) RESOLUTION NO. 05-06, INCLUSIVE OF THE AGREED UPON SQUARE FOOTAGE OF THE “PLAN 4” ~~4300-4528~~ 4050 TO ~~5050~~ 4550 AND WITH THE FINDINGS AND CONDITIONS THEREIN, TOGETHER WITH THE STAFF RECOMMENDED DATE CHANGES IN EXHIBIT “B”, AND THEREUPON RECOMMENDING APPROVAL OF THE DEVELOPMENT AGREEMENT APPLICATION DA-04-08 FOR APPLICATION MP-02-03: TLLTON-GLENROCK. THE SECOND TO THE MOTION WAS COMPLETED BY COMMISSIONER ESCOBAR WHICH THEN PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ESCOBAR, KOEPP-BAKER, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: LYLE.

Commissioner Lyle returned to join the Commission meeting at 8:02 p.m.

OTHER BUSINESS:

**3) DRAFT
FIVE-YEAR
CAPITAL
IMPROVEMENTS
PROGRAM (CIP)
FOR FY 05/06
THRU FY 09/10**

The Commission is requested to review the Draft Five-Year Capital Improvement Program for consistency with the Adopted 2001 General Plan.

DDPW Bjarke was present to provide an overview of the 5-year Capital Improvement Program (CIP). With him was Julie Behzad, Senior Civil Engineer for CIP programs.

DDPW Bjarke stressed the presentation was for a draft 5-year CIP program and contained a list that was highly dependent ‘with a lot of emphasis on prospective funding and matching what to do’s’. DDPW Bjarke stated that the information being presented at this meeting is highlighted with proposed spending for 2005–06.

DDPW Bjarke detailed how he had recently met with the Parks and Recreation Commission and would speak to their comments for clarification to the Commissioners, as well. DDPW Bjarke and SCE Behzad then turned to the slide presentation for the meeting, and stated approval would be asked for finding that the CIP is consistent with the General Plan.

DDPW Bjarke distributed the CIP flow chart, which specifies the workplan for the six categories is dependent: parks, water, sewer, storm drain, bicycle, and fire master plans. Replying to questions raised, DDPW Bjarke clarified that there are no maintenance costs in the CIP.

Discussion regarding maintenance costs for City projects then ensued, with the following points raised:

- TDCs cannot be used for park maintenance [it is an acquisition fund]
- need to have projected maintenance costs in order to make findings for the feasibility of proposed projects
- in order to insure fiscal viability of City government, numbers must be available for new project so outlook of meeting goals is logical
- need to match specific CIP plans with the General Plan

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DDPW Bjarke commented he understands the concerns, while stressing that the discussion at hand is about the actual Capital Expenditure Plan and consistency with the General Plan.

Commissioners discussed:

- lack of positive cash flow for some facilities
- operational budgets not fully evaluated at this point
- assumption of goals for operational funding, e.g., loan program assumes plan for repayment

Commissioner Lyle expressed the thought that additional information provided and added to the charts, as to funding by the City and funding streams from outside sources (STIP, etc), would be beneficial for better decision making. He asked if in the future the information could be expanded to show how much funding the City accounts for and how much 'outside' money is needed for the remainder of the funding. Commissioner Lyle said he was concerned that if we ~~throw some items in~~ *do not realize the proposed* in outside funding, we cannot meet the goal of the General Plan.

Chair Weston added he thought it would be beneficial to see how the goals of the last year had been met. Considerable discussion ensued from that suggestion and included the following points:

- it would be beneficial in having funds determined for this year
- difficulty in determining the needs of local matching funds
- clarification of the actual CIP in determining sources of funding
- severe objection to having the Community Playhouse included in the Parks category
- 'running behind' in parks land purchase (still below the per population requirement)

DDPW Bjarke pointed out that a 10-acre purchase for parks is included in the CIP; Commissioners stated the matter requires clarification. DDPW Bjarke said that when the Department is identifying park space, it all comes out of the Parks Master Plan. Commissioner Mueller said he thought that in the summary, as the data was presented to arrive at the listed 172 acres, it appears the 10 acre parcel referenced is missing. Commissioner Mueller expressed a belief that the Mission Ranch project is willing to give park land. DDPW Bjarke said that in discussions with Richard Oliver it appeared that Mr. Oliver thinks the City will buy the land or the project will get credits. DDPW Bjarke cautioned that it appears the City has not taken on negotiations regarding the property yet. The City has an option to purchase the land from the developer but that option has not been exercised.

On another note of the parks, DDPW Bjarke said the first phase of the Butterfield Linear Park has been completed and told of plans for the upcoming phases. DDPW Bjarke said the eastern curve does not have much space, so there is need for installation of retaining walls at that location. Commissioners had further questions regarding:

- a park at Mission Ranch
- drought resistant landscaping for parks, resulting in minimal maintenance (However, Commissioner Benich described this type of landscaping as 'ugly')
- purchase right to top of El Toro (DDPW Bjarke said there are plans for purchase,

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but not to the top)

- PL 566 in relation to West Little Llagas (challenges: securing sufficient right-of-way, as there are significant pieces missing, particularly east of Edes court
- running up against deadline to spend grant monies for the project
- need to be under construction next year; City is talking to the Water District and VTA, with both agencies indicating a willingness to have the work completed.

DDPW Bjarke said that it may become necessary to use an alternate route and told Commissioners the City is looking at another grant. PL 566 funding has presented financial problems for a long time, he said, and recent cost/beneficial ratio are not in the City's favor. DDPW Bjarke explained the cost/benefit ratio needs to be better than 1:0, and recently it is below that, but he had not seen the most recent data. DDPW Bjarke assured the Commissioners the Public Works Department is working with the Corps and the Water District to get the issues ironed out.

Commissioners then discussed with DDPW Bjarke how best to spend the grant money (where right-of-way exists). Also discussed were the stipulations of grant planning, implementation, construction, deadlines and environmental reviews.

Water conservation efforts targeted at 2006-07 for the area between the new courthouse and the railroad were explained. Chair Weston suggested taking the lawn out at the Community Center and installing drought resistance landscaping there. DDPW Bjarke indicated that was not in the plan under discussion. Commissioner Benich restated his objection, and said, "Sometimes we must pay for beauty."

Commissioner Mueller pointed out that there are ~~25-acre parcels listed that are not included on the list~~. *two 5 acre parcels listed in the presentation are not included on the parkland summary list provided in the packet.* DDPW Bjarke explained that on the top list, 5-acre purchases need to include other one.

In the category of Public Facilities, the following points were made:

- fire station and agreement for staffing. Commissioner Lyle thinks should be funding in the CIP for fire station design and said there is need for third station because of liability exposure
- funding and spending and plan for fire station (Commissioner Lyle said beginning to plan for the new station is essential and that seven more years is 'not acceptable'; he also pointed to the increase in population since 1991 when the City had three fire stations.)

Turning to the Sewer category, Commissioner Mueller informed that there has been discussion at Committee level about impervious concrete placement, as this reportedly takes storm water off parking lots and into the ground below. He said, "This would seem to be an advantage." Commissioner Mueller said he thought it would be beneficial to have a solid technology study ongoing. DDPW Bjarke explained the method has been under study and that the study is nearing completion. DDPW Bjarke stressed that the City needs to prevent water runoff to creeks or streams, and remarked that this method might possibly be beneficial.

As to the Streets category, DDPW Bjarke spoke on the local streets and roads, with

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Commissioners adding discussion on:

- the connection from Santa Teresa to Monterey
- the Tilton connection should be in the plan
- Hale to Butterfield and ultimately to Monterey

It was brought out that the City Council appeared to like the option that Public Works wanted (low cost construction and doing away with Madrone Parkway, using Tilton as a cul de sac). DDPW Bjarke and PM Rowe pointed out that direction was given to staff for the General Plan to keep Tilton open and abandoning Madrone Parkway.

DDPW Bjarke suggested there might possibly be a circulation element change this summer. Commissioner Mueller expressed concern that as presented, the plan might not work through the life of this General Plan. Commissioner Escobar commented that it appeared to him the decision of the City Council was truly cost driven. Commissioner Mueller said that by the time the City gets to the next General Plan, it is inevitable that the traffic volume will be much higher than projected – and there is no way to have the General Plan met.

Commissioner Koepp-Baker spoke on the current backup on Monterey and said in her opinion it can only get worse.

Commissioner Acevedo referenced the Murphy Avenue corridor as one of the Planning Commission's study plan items and asked why it was not in the CIP? Chair Weston said there could be clarification during the year which will change the next CIP. Chair Weston also reminded the CIP is a 'work in progress'.

Commissioners and DDPW Bjarke discussed proposed traffic calming methods.

Regarding Butterfield Boulevard, Commissioner Mueller argued for an underpass rather than an overpass, as he does not feel the height over railroad would be appropriate. Commissioner Acevedo pointed out that underpasses present flooding issues. Commissioner Mueller said he would rather solve flooding issues than have the height.

Matching funding issues were discussed and clarified. Also discussed at this point in the meeting was the collection of traffic impact fees for the Butterfield extension, which DDPW Bjarke said will total over 7 million dollars by the end of the project.

Utility under-grounding plans were explained, with Commissioner Benich indicating strong support for this project.

Commissioner Mueller emphasized the need to work with businesses and residents for the Depot street reconstruction. "18 months is a long time to have the streets and driveways torn up. SCE Behzad explained the planned neighborhood meeting for those involved, and said the City is committed to having the needs of businesses met. Chair Weston pointed out that the 4th of July parade route is staged in this area.

Chair Weston called attention to the downtown street improvements and noted that Third Street is in a flood plain. DDPW Bjarke explained that a big storm drain is planned for placement to dry up the intersections. "Once we get started, other improvements can

follow,” DDPW Bjarke explained, adding that this is tied to PL566 issues as well.

Commissioner Mueller suggested looking at some of the critical issues of PL566 for funding; DDPW Bjarke agreed.

Having concluded the presentation, DDPW Bjarke asked for other suggestions. Commissioner Mueller said it would be helpful for review of multiple-year projects to have the costs from previous years shown in the culminate spending. “As the current CIP year moves, any loss of the previous year(s) needs to be shown, as well as the year to-date and future/tentative expenditures,” Commissioner Mueller said. “Such data is especially critical for visibility for the Commissioners for multiple-year projects.”

Other Commissioners suggested showing the fixed-capital expenditure projects, e.g., the Butterfield Blvd. extension, and indicating such information would be helpful for better understanding of the entire CIP process.

Commissioner Koepp-Baker asked if it would be helpful to show the percentage of the project as complete, e.g., 16% planning completed, etc.

Commissioner Acevedo asked DDPW Bjarke about the location of the Regional Soccer Park, as he wondered if it is part of Morgan Hill or San Jose? DDPW Bjarke responded it is within the boundaries of San Jose. Commissioner Acevedo informed he objects to any of City funds for capital expenditures outside the City. He asked how the spending of RDA funds outside the City could be justified?

Commissioner Lyle indicated he would like to see the percentage of each of the categories indicated by City funding versus ‘outside funding’, which he said he thought should be clearly identified. Commissioner Lyle provided an example by pointing to the funding for ~~parks~~ streets.

Commissioner Mueller suggested modification to Section 1 of Resolution No. 05-21 to include the concerns raised by the Commissioners:

1. Operational budget impacts of the projects was not included in the Planning n Commission review.
2. The Planning Commission feels the CIP is incomplete without funding for the third fire station since we have an accepted Fire Master Plan that calls for a third fire station.
3. The Planning Commission is concerned about the impact on the implementation of the Downtown Plan of the continued lack of funding for the PL566 project.
4. The PC expressed concern about the spending of RDA money outside the city limits of Morgan Hill.
5. The PC is concerned that we are not making enough progress toward the GP goal of 5 acres of parkland/1000 residents. At the end of this 5 year planning cycle we will be approximately 20 acres short of the goal.

By consensus, the other Commissioners agreed with the proposed inclusions.

AGREED-UPON MODIFICATIONS TO SECTION 1; COMMISSIONER ESCOBAR PROVIDED THE SECOND TO THE MOTION, NOTING THE FINDINGS AND CONDITIONS CONTAINED THEREIN. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL THE COMMISSIONERS PRESENT; NONE WERE ABSENT.

**4) RDCS
QUARTERLY
REPORT**

Quarterly review of the progress of residential projects that have been awarded building allocations under the City's Residential Development Control System.

PM Rowe presented the staff report, noting this is the first quarter report for 2005. PM Rowe advised that the population figures will most likely change when a new estimate can be projected from numbers anticipated from the California Department of Finance in a couple of weeks.

Commissioner Acevedo sadly announced the recent death of local developer, George Gera, who had projects with allocations in the City. PM Rowe explained the status of those projects and said the family is working with Bill McClintock to complete the plans. PM Rowe said only the allotments on Hill-Gera are under consideration at this time.

Commissioner Mueller called attention to the 'oldest project on the list': Villanova at San Pedro-Barton, which following lengthy negotiations, will be built by Habitat for Humanity. While Commissioner Mueller expressed relief at the conclusion, he said it had been expensive for the City to achieve that outcome.

Commissioner Lyle noted the Grewal project is 'dead' and should be taken from the report. He lamented there was no way to ~~give allocations~~ *redistribute the allotments* from that project.

COMMISSIONERS MUELLER/ESCOBAR MOTIONED APPROVAL OF THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM FIRST QUARTERLY REPORT FOR 2005. THE MOTION PASSED WITH THE AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

ANNOUNCEMENTS: PM Rowe advised that the City Council had reviewed and received the Urban Limit Lines Final Report. The Council members also completed the revision of the east line (of the Urban Limit Line) as recommended by a minority committee of the Committee and directed Staff to review that revision for preparation of the environmental evaluation report.

Commissioners Koepp-Baker and Benich reported on sessions they attended while participating in the League of Cities Planning Commissioners training in Pasadena. They both commented that handouts which reference all Planning Commissioners and Planning Directors in the State are particularly beneficial. Commissioner Koepp-Baker said that information will be updated periodically. Commissioner Lyle said if it were published on the internet it would be used even more.

Commissioner Benich said he had attended an excellent presentation on traffic calming, and was particularly impressed with displays and demonstrations of an effective radar signage for showing traffic speed of passing cars. Commissioner Koepp-Baker said she had gained much information about density, traffic calming, and sidewalk problem

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alleviation. "Good conference!" was the pronunciation of the two Commissioners.

Responding to Commissioner Mueller's inquiry about the Planner's Handbook being updated, PM Rowe said he will look into it.

ADJOURNMENT: Announcing that there was no further business to come before the Morgan Hill Planning Commission at the time, Chair Weston adjourned the meeting at 9:58 p.m.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk